

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

AUG 25 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LOUIS F. APRIGLIANO
and
LESLIE K. KOHLER

Application No. 09/656,017

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 14, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an amendment to claim 9 on September 12, 2002 (Paper No. 21). In an Advisory Action mailed on September 27, 2002 (Paper No. 22), the examiner notified appellants that the amendment would be entered. However, a review of the file reveals that the amendment filed on September 12, 2002 (Paper No. 21) has not been physically entered. Subsequently, appellants filed an Appeal Brief on

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November 19, 2002 (Paper No. 26). A review of the claims presented in the Appendix to the Brief reveals that claims 5 and 6 contain substantial errors and do not include the changes made according to a prior amendment filed on July 11, 2002 (Paper No. 19).

Finally, in the Examiner's Answer mailed on January 14, 2003 (Paper No. 27), the examiner relies upon Japanese Patent No. JP63-63-33,594 to Tokushu Denkyoku. However, a review of the file reveals that the examiner has not provided a full text translation of this reference.

Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

(1) to physically enter the amendment filed on September 12, 2002 (Paper No. 21);

(2) to notify appellants to submit a corrected copy of claims 5 and 6, or for the examiner to submit a corrected Appendix of Claims;

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(3) to provide a full text translation of Japanese Patent No. JP63-33,594, and for such further action as may be appropriate.

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